IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 14336 of 2004

Between:

NGO Co-Op. House Building Society rep. by its President Sri P. Govindappa, S/o. Obulappa, Uravakonda, Anantapur District.

..... PETITIONER

AND

The Panchayat Secretary, Uravakonda Gram Panchayat, Uravakonda, Anantapur District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ of Certiorary calling for all the connected records including the impugned proceedings of the respondent in Rc.No.22/04/A3 Dt. 28.7.2004 and quash the same as illegal, improper, unjust, arbitrary and contrary to law.

Counsel for the Petitioner: MR.K.G.KRISHNA MURTHY

Counsel for the Respondent : MR.DEGALA SRINIVAS (Standing Counsel)

The Court, at the stage of admission, made the following :

–

–

–

ORDER:

Petitioner-Society, which purchased an extent of Ac.3.12 cents in Sy.No.562/B2, to make the said land into plots and allot it to its members, submitted an application to the respondent for sanction of layout. The respondent, in turn, submitted a proposal to the Regional Deputy Director of Town Planning, Anantapur, who, while instructing the petitioner Society to form the roads and open spaces, accorded permission for tentative layout vide proceedings in Roc.No.854/2002/A5, dated 12.08.2002. Petitioner states that after forming the roads leaving open spaces, the Deputy Director, Town Planning, through his letter, dated 18.11.2002, approved the layout, in respect of 40 plots with an open space of Ac.0.31cents (10%) kept open for public purpose, and directed the petitioner Society to handover the same to the Gram Panchayat, through a registered gift deed, and further directed to pay an amount of Rs.5,000/- towards inspection and technical security charges. Pursuant to the said directions, it is alleged that, it executed a registered gift deed on 03.04.2002, in favour of the Gram Panchayat-1st respondent herein. Since there was a delay in getting the registered document in favour of the petitioner Society, the 1st respondent issued notice on 08.03.2004, followed by notice, dated 27.5.2004, directing the petitioner to handover the document within seven days. It is further alleged that after receipt of the said notice, the petitioner, through its letter, dated 07.07.04, submitted the original registered gift deed, through the concerned, which was received by the respondent on the same date. While the matter stood thus, the respondent by the impugned proceedings, dated 28.7.2004, cancelled the lay out

issued in LP No.11 of 2002, on the ground that the petitioner has not handed over the registered gift deed to it. Questioning the said action of the respondent, the present writ petition is filed.

Learned Standing counsel for Gram Panchayat submits that in the cover sent by the petitioner through the Courier, only the plan papers are there and no other documents, as claimed by the petitioner, were found. Except filing a receipt issued by the courier service, in proof of having sent the consignment through courier, the petitioner did not specifically aver that the document in question was sent through the Courier.

Be that as it may, learned counsel for the petitioner handed over the certified copy of the registered gift deed, said to have been registered by the petitioner, to the standing counsel, in the Court.

In view of the same, the respondent is hereby directed to verify the registered gift deed with the office of the Sub-Registrar, as to whether the same is registered in its favour or not. It is needless to observe that the lay-out cancelled for non-compliance has to be recalled, on such verification.

Accordingly, the writ petition is disposed of. There shall be no order as to costs.

_____

(A.GOPAL REDDY,J)

Dt:11.10.2004

ts

To

1. The Panchayat Secretary, Uravakonda Gram Panchayat, Uravakonda, Anantapur District.

2. 2 C.D. copies.